

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | |
|--|---|
| IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 | Civil Action No. 03 MDL 1570 (GBD)(FM) |
|--|---|

This document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03-cv-9849 (GBD)(SN)

**PLAINTIFFS' NOTICE OF MOTION TO CLARIFY THEIR PLEADINGS RELATED
TO MULTIPLE-CAPACITY CLAIMS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and the Declaration of John M. Eubanks with Exhibit A attached thereto, the plaintiffs identified on Exhibit A respectfully move this Court pursuant to Fed. R. Civ. P. 15 and 17 for an Order permitting them to amend the caption of Plaintiffs' Amended Complaint to identify all capacities in which the "real parties in interest" have asserted claims in this case as permitted under Fed. R. Civ. P. 17. Exhibit A to the Declaration of John M. Eubanks identifies those named plaintiffs who asserted claims in multiple capacities and seeks to amend to permit these additional claims to be explicitly set forth in the Court record dating back to when the real party in interest was added to this litigation. This motion does not seek to add the claims of any new real parties in interest but rather more appropriately identifies the capacities in which these real parties in interest who are already named in Plaintiffs' Third Amended Complaint dated November 22, 2002, Plaintiffs' Addition of Parties Pursuant to Case Management Order No. 1 in the United States District Court for the District of Columbia, and Plaintiffs' addition of parties pursuant to paragraph 12 of Case Management Order #2 within this MDL that was issued on June 16, 2004. This motion seeks to clarify for the Court all of those parties who are engaged in this litigation either individually or which claims were pursued by a "real party in interest" under Fed. R. Civ. P. 17.

Dated: August 17, 2022

Respectfully submitted,

/S/ John M. Eubanks

Robert T. Haefele, Esq. (NY 845666; SC
75266, DC 1007583, NJ 58293, PA 57937)
John M. Eubanks, Esq. (SC 79816; MD [no bar
numbers assigned])
MOTLEY RICE LLC
28 Bridgeside Boulevard
Mount Pleasant, South Carolina 29464
Telephone: (843) 216-9000

Attorneys for the Burnett Plaintiffs